

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

x

UNITED STATES OF AMERICA

24-cr-483 (KPB)

-v-

ANTHONY BIANCHI,

Defendant.

x

**ORDER**

KIM P. BERG, United States Magistrate Judge:

Upon the Parties' Motions in Limine and oral argument held on August 23, 2024, for the reasons stated on the record on August 23, 2024:

1. Decision on Government's Motion in Limine to preclude Defendant from introducing his own hearsay statements, including those contained in the GOMOR Rebuttal, is held in abeyance pending evidence submitted at the trial of this matter, at which time the government may renew its motion.
2. Government's Motion in Limine to preclude Defendant from introducing prior acts of good conduct, including awards, commendations, specific details of military duties and deployment, absence of any disciplinary record, and any other specific instances of good conduct, is Granted with the proviso that Defendant will be permitted to introduce basic background evidence pertaining to Defendant's education, employment, and military service.
3. Government's unopposed Motion in Limine to preclude reference to penalties and consequences Defendant has or could face convicted of the pending charges in this Court or the U.S. Military is Granted with consent of Defendant.
4. Government's Motion to permit the introduction of evidence of Defendant's refusal to submit to a blood, breathalyzer and/or chemical test is Granted and Defendant's Motion in Limine to preclude same evidence is Denied.
5. Government's Motion to permit the introduction of Lay Person Opinion evidence consistent with Federal Rules of Evidence §701 in the form of observations and

opinions about whether Defendant was intoxicated is admissible at trial and Defendant's Motion in Limine to preclude such evidence is Denied.

6. Government's Motion in Limine to preclude evidence on matters that this Court previously ruled upon in connection with the Motion to Suppress is Granted.
7. Government's Motion in Limine to preclude any reference to and introduction of evidence concerning the New York State Department of Motor Vehicle's Findings and Disposition for a Chemical Test Refusal dated January 5, 2024 is Granted.
8. The Government's Motion to admit the Thayer Hotel Video is Granted in part upon consent of Defendant with those portions which display Defendant kissing a woman being removed or redacted and Defendant's Motion in Limine to preclude any reference at trial to Defendant allegedly kissing a woman who is not his wife is Granted.
9. Subject to providing source materials demonstrating the United States' exclusive or concurrent jurisdiction over West Point Military Installation in Orange County, New York, and upon consent of all Parties, the Court will take Judicial Notice of the legislative fact that West Point Military Installation is within the Special Maritime and Territorial Jurisdiction of the United States.

The Parties are directed to order the Transcript of the proceedings held on August 23, 2024.

Dated: White Plains, New York  
August 23, 2024

SO ORDERED

A handwritten signature in black ink, appearing to read "Kim Berg", written over a horizontal line.

HON. KIM P. BERG  
U.S. MAGISTRATE JUDGE